



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/688,567

10/17/2003

Susan B. Cirulli

END920030049US1

2492

23550 7590 06/25/2008

HOFFMAN WARNICK LLC
75 STATE STREET
14TH FLOOR
ALBANY, NY 12207

EXAMINER

AIRAPETIAN, MILA

ART UNIT

PAPER NUMBER

3625

NOTIFICATION DATE

DELIVERY MODE

06/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

Office Action Summary	Application No. 10/688,567	Applicant(s) CIRULLI ET AL.	
	Examiner MILA AIRAPETIAN	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/21/2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guo et al. (US 2005/0120121) in view of Paulo et al. (US 2002/0198790), and further in view of Wharton (US 2005/0027610).

Claim 1. Guo et al. (hereinafter Guo) teaches a method for routing between network servers comprising:

receiving a request for a first item from a requestor [0009];

selecting a back-end system from a set of back-end systems for processing the request, wherein the back-end system is selected based on the first item and a location setting within a profile corresponding to the requestor [0022], [0036], [0043].

Guo does not explicitly teach limiting a request for a second item by the requestor to the particular type of items associated with the identified back-end system.

Official Notice is taken that it is old and well known when buying a specific product from a specialized vendor, consumer expects to obtain similar product from the same vendor due to specialization of said vendor in said specific products. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guo to include limiting a request for a second item by the requestor to the particular type of items associated with the identified back-end system, because it would advantageously facilitate ordering goods or services.

Guo also does not teach identifying a set of back-end systems based on a location setting within a profile corresponding to the requestor.

Paulo et al. (Paulo) teaches a computer-implemented method for ordering goods or services wherein the order server will be able to select, based on user's location, various stores (back-end system) in the form of a suggested list or a prioritized list to fill the order [0014], [0013].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guo to include identifying a set of back-end systems based on a location setting within a profile corresponding to the requestor, as disclosed

in Paulo, because it would advantageously facilitate user's later attempts to order goods or services, as specifically taught by Paulo [0017].

Guo and Paulo does not teach that said set of back end systems having a plurality of back-end systems that contain different types of items.

Wharton teaches a computer-implemented method for providing a unified back-end transaction processing system wherein an e-commerce system includes a plurality of back-end processing systems for processing transaction requests [0010], [0011].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guo and Paulo to include that said set of back end systems having a plurality of back-end systems that contain different types of items, as disclosed in Wharton, because it would advantageously allow to the vendors to retain control of their product and customer databases while relieving them of the logistical difficulties in operating an e-commerce system, as taught by Wharton [0008].

It is noted that all of the elements of the cited references perform the same function when combined as they do in the prior art. Thus such a combination would have yielded predictable results (see Sakraida, 425 US at 282, 189 USPQ at 453). Since the independent claims only unite old elements with no change in there respective functions the claimed subject matter would have been obvious under KSR, 127 S. Ct at 1741, 82 USPQ2d at 1396.

Claim 2. Guo teaches said method further comprising establishing the profile, prior to the receiving step [0023].

Claim 3. Guo teaches said method further comprising: associating the requestor with a set of available items to request and with the set of back-end systems based on the location setting [0043]; and providing the set of available items to the requestor, prior to the receiving step [0043].

Claim 4. Guo teaches said method wherein the location setting comprises a geographic location and a requestor job responsibility [0043].

Claim 5. Guo teaches said method further comprising routing the request for the first item to the selected back-end system for processing [0043].

Claim 6. Guo teaches said method further comprising receiving the request for the second item from the requestor (the authentication server redirects client computer system to affiliate server where the user selected a *different* server [0046]).

Claim 8. Guo teaches said method further comprising: processing the request for the first item with the selected back-end system [0009].

Guo does not explicitly teach communicating with a supplier to obtain the first item. However, Guo teaches routing client computer to the *appropriate* affiliate server for performing a desired service for the user [0022]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guo to include that said routing client computer to the *appropriate* affiliate server includes communicating with a supplier to obtain the first item, because it would advantageously allow to fulfill the customer order.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guo, Paulo and Wharton, in view of Marks (US 6,876,977).

Claim 7. Guo, Paulo and Wharton teaches all the limitations of claim 7 except displaying an error message if the second item is not associated with the selected back-end system.

Marks teaches a method for conducting business-to-business electronic commerce over the Internet wherein an error message is displayed if an item is not available (col. 16, lines 46-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guo and Paulo to include that an error message is displayed if an item is not available, as disclosed in Marks, because it would advantageously allow to provide a feed back in response to the customer input, thereby enhancing customer service.

System claims 9-17 repeat the subject matter of method claims 1-8 respectively, as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 1-8 have been shown to be fully disclosed by the teachings of Guo, Paulo and Marks in the above rejections of claims 1-8, it is readily apparent that the system disclosed by Guo and Marks includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 1-8, and incorporated herein.

Claim 18-26 are rejected on the same rationale as set forth above in Claim 1-8.

Response to Arguments

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrey A. Smith/
Supervisory Patent Examiner, Art
Unit 3625

/M. A./
Examiner, Art Unit 3625